

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2003-014134

02/07/2011

HONORABLE ALFRED M. FENZEL

CLERK OF THE COURT

D. Kenney

Deputy

IN RE THE MARRIAGE OF
BONNI HOWARD

BONNI HOWARD
19777 N 76TH ST # 1239
SCOTTSDALE AZ 85255

AND

TYRONE HOWARD

TYRONE HOWARD
P O BOX 36492
PHOENIX AZ 85067-6492

MINUTE ENTRY

Courtroom 102 NE RCC

Prior to hearing commencing, Petitioner's Exhibits 1 through 11 and Respondent's Exhibits 12 through 51 are marked for identification.

1:43 p.m. This is the time set for Evidentiary Hearing re: Petitioner's Petition to Modify Custody, Parenting Time and Child Support. Petitioner is present on her own behalf. Respondent is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Bonni Howard and Tyrone Howard are sworn.

Florence Corley is sworn and testifies.

Tyrone Howard testifies.

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Petitioner's Exhibits 4, 8 and 9 are received in evidence.

Bonni Howard testifies.

Respondent's Exhibit 31 is received in evidence.

Closing arguments are heard.

IT IS ORDERED taking this matter under advisement.

2:57 p.m. Matter concludes.

LATER:

Following the Evidentiary Hearing held today, the Court took the issue of Petitioner's Petition to Modify Custody, Parenting Time and Child Support under advisement. The Court has since reviewed the testimony presented, the exhibits introduced into evidence, the case history and pleadings filed and the arguments of parties. Based thereon, the Court finds and orders as follows:

The issue of child custody is controlled by statute. The applicable statute is A.R.S. §25-403. The Court has considered the factors contained in A.R.S. §25-403 and finds as follows:

1. The wishes of the child's parents as to custody: Both parents want sole custody. Father would like an equal shared parenting plan and Mother desires to be the designated primary residential parent.
2. The wishes of the child: The child, who is 8 years old, expresses a desire to spend equal time with both parents and enjoys being in both parents' homes.
3. The interaction of the child and interrelationship with the parents: The child appears to be well adjusted to both parents.
4. The child's adjustment to home, school and community: The child is doing well in school.
5. The mental and physical health of all individuals: There are no significant mental health issues. The child is currently taking medication prescribed by a psychiatrist.
6. Which parent is more likely to allow frequent and meaningful continuing contact with the other parent: Father is likely to allow frequent and continuing contact with the child; however, Mother permits contact. That contact is tempered by the fact that she believes that Father is jeopardizing the child's health by not providing the medications prescribed by the child's doctors.

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7. Whether one or both parents have provided primary care of the child: Mother has provided primary care for the child. The child has formed a healthy bonded relationship with both parents.
8. The nature and extent of coercion or duress in obtaining an agreement: There has been no coercion.
9. Whether a parent has complied with the Parent Information Program: This factor does not apply.
10. Whether either parent has been convicted of filing a false report of child abuse or neglect: This factor does not apply.
11. Domestic violence and child abuse: There have not been any child abuse allegations or convictions. This factor does not apply.

Based upon the record and evidence presented,

THE COURT FINDS that neither party has established a substantial and continuing change of circumstances that would warrant a modification of the Court's present orders.

Accordingly,

IT IS ORDERED affirming all prior custody orders.

The evidence presented with respect to modification of child support is insufficient for the Court to determine that there has been a change of circumstances since child support has been established.

Accordingly,

IT IS ORDERED affirming the Court's prior child support order.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HONORABLE ALFRED M. FENZEL

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.